



January 27, 2006

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## SENATE BILL No. 86

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DIGEST OF SB 86 (Updated January 25, 2006 11:42 am - DI 14)

**Citations Affected:** IC 4-31.

**Synopsis:** Medication of horses in pari-mutuel events. Eliminates statutory provisions permitting race horses to race while being treated with certain medications. Repeals the definition of "test level". Repeals a provision concerning restrictions on race horses that are known to have bled from their nostrils.

**Effective:** July 1, 2006.

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**Jackman, Nugent**

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January 9, 2006, read first time and referred to Committee on Agriculture and Small Business.  
January 26, 2006, reported favorably — Do Pass.

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SB 86—LS 6254/DI 92+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 86

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-31-12-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this  
3 section, "confirmed bleeder" means a horse that:

4 (1) is examined by or in the presence of a regulatory veterinarian;  
5 (2) during the examination demonstrates visible external evidence  
6 of exercise-induced pulmonary hemorrhage or existence of  
7 hemorrhage in the trachea after exercise upon endoscopic  
8 examination; and

9 (3) is certified in writing as a confirmed bleeder by a commission  
10 veterinarian and entered on the bleeder list by that veterinarian.  
11 A copy of the written certification under subdivision (3) shall be issued  
12 to the owner of the horse or the owner's agent upon request.

13 (b) (a) Except for phenylbutazone and furosemide, no as permitted  
14 by the rules of the commission, a horse participating in a race shall  
15 may not carry in its body any foreign substance. Phenylbutazone is  
16 permitted at a test level not to exceed five (5) micrograms per milliliter  
17 of blood. Furosemide is permitted for confirmed bleeders. Horses

SB 86—LS 6254/DI 92+



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1 qualified for furosemide must be treated at least four (4) hours before  
 2 post time. Furosemide shall be administered at an intravenous dose  
 3 level not to exceed two hundred fifty (250) milligrams.

4 ~~(c)~~ (b) The commission shall adopt the rules the commission  
 5 considers necessary to implement this section.

6 ~~(d)~~ (c) In order to inform the racetrack patrons of those horses  
 7 running with medication, the permit holder shall indicate in the racing  
 8 program a horse that is racing with ~~phenylbutazone, furosemide, or~~  
 9 ~~both~~ **a medication permitted by the rules of the commission.**

10 SECTION 2. IC 4-31-12-8 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this  
 12 section, "milkshake or bicarbonate loading" means a bicarbonate or  
 13 alkaline substance, administered to a horse by any possible means, that  
 14 elevates the horse's bicarbonate level or pH level above those existing  
 15 naturally in the untreated horse at normal physiological concentrations  
 16 as determined by the commission.

17 (b) A finding by the chemist or an authorized commission employee  
 18 that a milkshake or bicarbonate loading or a foreign substance, other  
 19 than ~~the amount of phenylbutazone or furosemide as a medication~~  
 20 ~~permitted by section 2 of this chapter and~~ the rules of the commission,  
 21 is present in the test sample shall be considered:

22 (1) a positive test and a violation of section 2 of this chapter; and

23 (2) prima facie evidence that:

24 (A) the milkshake or bicarbonate loading or foreign substance  
 25 was administered and carried or attempted to be carried in the  
 26 body of the horse while participating in a race; and

27 (B) the trainer and the trainer's agents responsible for the care  
 28 and custody of the horse have been negligent in the handling  
 29 or care of the horse.

30 (c) The commission may establish the concentration level that is an  
 31 unacceptable concentration level for substances that it considers  
 32 necessary for the detection of a milkshake or bicarbonate loading under  
 33 this section.

34 SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 35 JULY 1, 2006]: IC 4-31-2-22; IC 4-31-12-9.

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SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 86.

JACKMAN

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 86 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 6, Nays 0.

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